EDMUND G. BROWN JR.
Attorney General of the State of California
DANE R. GILLETTE
Chief Assistant Attorney General
GARY W. SCHONS
Senior Assistant Attorney General
KEVIN VIENNA
Supervising Deputy Attorney General
GARY W. BROZIO, State Bar No. 144810
Deputy Attorney General
110 West A Street, Suite 1100
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2454
Fax: (619) 645-2581
Email: Gary.Brozio@doj.ca.gov

Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ALFREDO PURATA, Petitioner, **v.** **JAMES YATES, Warden,** Respondent.	08cv0869 IEG (WMc) **NOTICE OF MOTION AND MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS; MEMORANDUM IN SUPPORT THEREOF** ***No Hearing Required***

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TO PETITIONER ALFREDO PURATA:

PLEASE TAKE NOTICE that Respondent hereby moves this Court for an Order dismissing the Petition for Writ of Habeas Corpus because the Petition is a successive petition without authorization from the Ninth Circuit. This motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, and the exhibits.

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WHEREFORE, Respondent respectfully requests the Petition be dismissed with prejudice.

Dated: June 18, 2008

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

DANE R. GILLETTE
Chief Assistant Attorney General

GARY W. SCHONS
Senior Assistant Attorney General

KEVIN VIENNA
Supervising Deputy Attorney General

s/Gary W. Brozio

GARY W. BROZIO
Deputy Attorney General

Attorneys for Respondent

GWB:dp
70127555.wpd
SD2008700484

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Alfredo Purata v. James Yates, Warden**

No.: **08cv0869 IEG (WMc)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

On June 18, 2008, I served the attached **NOTICE OF MOTION AND MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS; MEMORANDUM IN SUPPORT THEREOF** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:

Alfredo Purata
J-34602
P.O. Box 8500
Coalinga, CA 93210

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 18, 2008, at San Diego, California.

D. Perez	[signature]
Declarant	Signature

70127563.wpd